

MINUTES
INDIANA BOARD OF PODIATRIC MEDICINE
February 11, 2010

I. CALL TO ORDER

Dr. Coda called the meeting to order at 9:20 a.m. in Room W064 located in the Indiana Professional Licensing Agency, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, and established a quorum in accordance with IC § 25-29-2-5.

Members Present:

Vincent Coda, D.P.M., President
Jonathan Norton, D.P.M.
Mark Schlichter, D.P.M.
William K. Oliver, D.P.M.

Members Absent:

John M.T. Chavis, II, Consumer Member
Vacant, Consumer Member

Staff Present:

Valerie L. Jones, Board Director
Ronnie C. Saunders III, Assistant Board Director
Julie Alexander, Deputy Attorney General

II. ADOPTION OF AGENDA

A motion was made and seconded to adopt the agenda, as amended.

OLIVER/SCHLICHTER

Motion carried 4-0-0

III. APPROVAL OF MINUTES FROM July 30, 2010

A motion was made and seconded to approve the minutes, of the July 30, 2010 meeting of the Board.

OLIVER/ SCHLICHTER

Motion carried 4-0-0

A. Bryan E. Hendrix, DPM, License #07000510A

Cause #

Re: Request for Withdrawal of Probation

Dr. Hendrix appeared before the Board to request the reinstatement of his probation.

Dr. Hendrix appeared before the Board and

V. ADMINISTRATIVE HEARING

**A. In the Matter of Bryan E. Hendrix, DPM
License #07000510A
Administrative Cause No. 2002 PMC 003
Re: Probation**

Parties and Counsel Present:

Bryan E. Hendrix, Respondent
Mark Mader, Deputy Attorney General

Participating Board Members:

Vincent Coda, D.P.M., Hearing Officer
Jonathan Norton, D.P.M
Mark Schlichter, D.P.M
William K. Oliver, D.P.M

Case Summary: Dr. Haritatos-Semko's license was suspended on February 26, 2004 after the Board found that she aided and abetted in the unauthorized practice of podiatric medicine. Dr. Haritatos-Semko's is not permitted to seek reinstatement of his license for a period of five (5) years from the date of the February 26, 2004 Order. Dr. Haritatos-Semko appealed the Board's decision however the Board's Order was affirmed on January 18, 2006. During the judicial review the Board's February 26, 2004 Order was stayed by the court.

Dr. Hendrix appeared before the Board to request the reinstatement of his probation. Dr. Hendrix stated that he has completed his probation requirements.

Mr. Mader questioned Dr. Hendrix about the compliance of his probation. The Board members reviewed Dr. Hendrix's probation file and questioned Dr. Hendrix about his probation compliance.

Board Action: A motion was made and seconded to

Norton/OLIVER
Motion carried 4-0-0

**B. In the Matter of Daniel D. Semko, DPM
License #07000453A
Administrative Cause No. 2003 PMC 002
Re: Complaint**

Parties and Counsel Present:

Daniel D. Semko, Respondent
James H. Voyles, Counsel for the Respondent
Mark Mader, Deputy Attorney General

Witnesses:

Dr. Daniel D. Semko, Respondent
Dr. George Parker

Participating Board Members:

Vincent Coda, D.P.M., Hearing Officer
Jonathan Norton, D.P.M.
Mark Schlichter, D.P.M.
William K. Oliver, D.P.M.

Case Summary: Dr. Semko's license was suspended on February 26, 2004 after the Board found that he engaged in the unauthorized practice of podiatric medicine. Dr. Semko's is not permitted to seek reinstatement of his license for a period of ten (10) years from the date of the February 26, 2004 Order. Dr. Semko appealed the Board's decision however the Board's Order was affirmed on January 18, 2006. During the judicial review the Board's February 26, 2004 Order was stayed by the court.

On February 1, 2010 Dr. Semko filed a Petition for Hearing to modify the February 26, 2004 Final Order.

Dr. Semko appeared before the Board with his counsel. Counsel for Dr. Semko gave an opening statement arguing that there are extraordinary circumstances that should allow for his reinstatement to the practice of medicine.

Counsel for the State of Indiana made an opening statement. The State informed the Board that Respondent's only allow for modification of Final Orders must be done within 30 days. The State further informed the Board that only extraordinary circumstances should be considered when lifting a suspension with a condition precedent.

Counsel for the Respondent questioned Dr. Semko about his history as a podiatrist and disciplinary history. Dr. Semko was further questioned by his counsel regarding the reasons he believes that he should be reinstated and what he has accomplished since being suspended by the Board.

Dr. Semko testified that he believes he suffered from post traumatic stress disorder as a result of his tour of duty in Viet Nam. Dr. Semko testified that he spoke to a medical physician and psychiatrist about his disorder.

Counsel for the state questioned Dr. Semko about his post traumatic stress disorder.

The Board questioned Dr. Semko about his exceptional circumstances that would warrant allowing for the reinstatement of his currently suspended license.

Both the counsel for the Respondent and the State gave closing testimony.

The Board discussed the testimony and reviewed the complete file.

Dr. Semko, by counsel appeared before the Board to address the issue of post traumatic stress disorder that was raised during the previous hearing in July

2010. An opening statement was given by both the Respondent and the State of Indiana. The Respondent requested that the suspension be converted to a probation Order for the remaining term.

The State raised the issue of whether the requested action to modify the final order to a probation order will benefit the citizens of the State of Indiana.

Dr. George Parker, Director of forensic psychology at Indiana University, testified to the Respondents condition. Dr. Parker evaluated Dr. Semko in the summer of 2010.

Dr. Parker discussed his evaluation of Dr. Semko. Dr. Parker interviewed Dr. Semko and performed psychological testing. Dr. Parker then discussed the results of his complete evaluation. Dr. Parker informed the Board of his diagnosis of PTSD and the systems that he displayed that led to his specific diagnosis.

Dr. Parker addressed Dr. Semko's ability to function as a practitioner if issued a probationary license. Dr. Parker stated that he would be able to function.

Mr. Mader questioned Dr. Parker about his evaluation and the relationship between his mental issue to his violations before the Board.

The Board questioned Dr. Semko and learned that he holds a valid license in the State of New York and has maintained a limited practice in that state.

Both the Respondent and the State gave closing arguments. The Respondent requested that the Board modify the final term of his suspension and place Dr. Semko on 3 year term of probation with Board ordered terms and conditions.

Mr. Mader had no objection to modifying the suspension order to a probation order.

The Board discussed the testimony and complete board file. The Board discussed potential probation terms.

1. 3 year Probation
2. Quarterly Reports to the Board
3. Appearance 2 times per year
4. Local mentor licensed podiatrist to visit office and report quarterly report
5. Cannot be a podiatrist with a conflict of interest

Board Action: A motion was made and seconded to modify the suspension order to a probation order with the following terms

Schlicter/Oliver
Motion carried 4-0-0

VI. OLD/NEW BUSINESS

A. Licenses Expired Three-Plus Years

1. Bryan L. Hersh, License #07000931A

The Board reviewed the renewal application and submitted continuing education.

After review, a motion was made and seconded to renew Dr. Hersh's license

NORTON/OLIVER
Motion carried 4-0-0

B. PinPointe FootLaser Discussion

The Board discussed the PinPointe FootLaser. The Board directed Director Jones to send a letter to PinPointe FootLaser recommending that they file a complaint with the Office of the Attorney General for practitioners using misleading advertising with their practice.

No action was taken by the Board.

C. 2011 Board Meeting Schedule and Agency Updates

The second board meeting of the year will be held on July 22, 2011. All positive responses will reviewed during that meeting.

D. License Renewal Information Review

Dr. Schlichter presented information regarding his future renewal application to the Board.

VII. LICENSURE APPLICATION REVIEW

A. Jeremy Spaulding, DPM Applicant

The Board reviewed the application of Jeremy Spaulding. A motion was made and seconded to approve the application and issue a full license.

SCHLICHTER/OLIVER
Motion carried 4-0-0

B. Shirley Catoire, DPM Applicant

The Board reviewed the application of Shirley Catoire. A motion was made and seconded to approve the application and issue a full license.

OLIVER/NORTON
Motion carried 4-0-0

C. Jared Visser, DPM Applicant

The Board reviewed the application of Jared Visser. A motion was made and seconded to approve the application and issue a full license pending the receipt of original transcripts.

NORTON/OLIVER
Motion carried 4-0-0

D. Haytham Mansour, DPM Applicant

The Board reviewed the application of Haytham Mansour. A motion was made and seconded to approve the application and issue a full license pending receipt of exam scores I & II.

CODA/OLIVER
Motion carried 4-0-0

VIII. ADJOURNMENT

There being no further business and having completed its duties, the meeting of the Board of Podiatric Medicine adjourned at 11:38 a.m.

Vincent Coda, D.P.M., President
President, Board of Podiatric Medicine

Date